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AUG 18 2005

In re Application of :
Berchielli, et al. :
Filed: April 20, 2004 : ON PETITION
Application No. 10/828,419 :
Atty. Dkt. No.: PC25684A :

OFFICE OF PETITIONS

This decision is in response to the "Petition in Response to Notice of Incomplete Nonprovisional Application," filed July 18, 2005, which is being treated as a petition to accord the above-identified application a filing date of April 20, 2004 with one drawing page as part of the application as originally filed.

The application was filed April 20, 2004. The Notice indicated that the application had not been accorded a filing date because the application appeared to have been deposited without drawings as required.

In response, petitioners argue that the application as deposited included one drawing sheet. Petitioners have included as proof of mailing and proof of receipt of the drawing sheet a return postcard date stamped by the Office on April 20, 2004. A copy of the drawing sheets purportedly filed with the application on April 20, 2004 was also supplied.

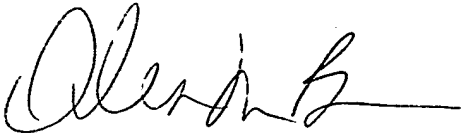
The original drawing sheets submitted with the application papers have not been located. However, in view of the evidence presented, the Notice is hereby WITHDRAWN and the petition to accord the application a filing date of April 20, 2004 is GRANTED.

Since the original drawing sheet cannot be located in the Office, the copy supplied with the instant petition will be used for examination purposes.

No petition fee is due in connection with this matter. A refund of the previously submitted petition fee has been requested from the Finance Office, Refund Branch.

This application will be returned to the Office of Initial Patent Examination for further processing with a filing date of April 20, 2004.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

A handwritten signature in black ink, appearing to read 'Alesia M. Brown', with a long horizontal stroke extending to the right.

Alesia M. Brown
Petitions Attorney
Office of Petitions